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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

P-US-JK-01503-A

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on

Signature

Typed or printed name Sharon Gilden

Application Number

10/774,335

Filed

February 6, 2004

First Named Inventor

R. Donovan et al.

Art Unit

3724

Examiner

S. Choi

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

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attorney or agent of record.

Registration number 37,770

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34


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Telephone number


Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒

*Total of 1 forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : R. Donovan, et al. Art Unit : 3724
Serial No. : 10/774,335 Examiner : S. Choi
Filed : February 6, 2004
Title : Band Saw
MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicants request a Pre-Appeal Brief Conference and submit that pending claims 10 – 27 and 31 – 37 are allowable over the art cited to reject them.

STATUS OF CLAIMS

Claims 1 – 22, 25 – 36 and 39 are presently being prosecuted. Claims 1 – 5, 11 – 16, 22, 25 – 30, 36 and 39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 6,557,447 to Lee (hereinafter, the Lee reference). Claims 6 – 10, 17 – 21 and 31 – 35 are objected to being dependent upon a rejected base claim but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

ARGUMENT

The present invention is specifically set forth in the presently pending claims. In order to be brief and solely for purposes of this Pre-Appeal Review, Applicants are focusing solely on a single feature distinguishing the present invention from the applied references. Applicants reserve the right to argue this feature or any other feature distinguishing the present invention from any applied references in future submissions. As set forth, for example, in claim 1, one configuration of the present invention includes, among other components, a tension spring assembly and a cam assembly **applying a force** to the tension spring assembly.

The Office Action mailed January 6, 2009 and the Advisory Action mailed March 31, 2009 allege that the Lee reference includes a spring assembly and a cam assembly applying a force to the spring assembly. Applicants respectfully submit that the Lee

reference does not include such a cam assembly. The cam assembly (as defined in the Office Action to include elements 30, 34, 35, 33 and 32) of the Lee reference **does not apply a force to the spring assembly** (as defined in the Office Action to include elements 70, 60/61, and 40). Contrary to this position, it is the force of gravity acting on the driven wheel 17, the slide seat 20, first elastic member 50, and the seat block 40 which acts to compress the spring 63.

Contrary to the present invention, the Lee reference discloses a system in which, “The eccentric wheel 30 is capable of deflection between a first angle position and a second angle position. As shown in FIG. 3, when it is at the first angle position the long diameter portion 34 urges upward the press portion 22 of the slide seat 20, so as to push upwards the slide seat 20 to an upper stop point. When the eccentric wheel 30 is at the second angle position, as shown in FIG. 5, the short diameter portion 35 comes in contact with the press portion 26. **The slide seat 20 is caused by its own weight to descend to a lower stop point.**” Lee at Col. 2, ll. 39-48. When the cam member 30 is in the first position (shown in Figure 3) it forces the cross rod 22 upward which in turn forces the slide seat 20 upwards (working against the force of gravity). This in turn lifts the “first elastic member 50 . . . held between the top of the seat block 40 and the stop plate 25 of the slide seat 20.” Col. 3, line 1. This in turn allows the compressed spring 63 to push the seat block 40 upwards and therein tighten the saw blade.

As noted above, in the second position (shown in Figure 5), the cam member 30 allows the force of gravity to force the slide seat 20 downward and in turn apply a force to the spring 63. It is clearly not the cam assembly that applies the force to the spring assembly.

The device disclosed in the Lee reference does not disclose, teach or suggest a cam assembly for applying a force to a tension spring assembly, as recited in the independent claims of the present application. In fact, the Lee reference discloses just the opposite. Specifically, operationally when the wrenching member 36 of the Lee device is turned counterclockwise from the position in Figure 3 to the position in Figure 5, the distance between the lower surface 26 of the cross rod 22 and the axis of the wheel 30 is decreased allowing the slide seat 20 to move downwardly. As gravity forces the slide seat 20 (which is, according to the Office Action, not part of the cam assembly) to move

downwardly compressing the spring 70. The slide seat 20 moves downwardly due to its own weight (gravity applied to the slide seat's mass).

Contrary to the present invention and the position taken in the Office Action, when the wrenching member 36 is moved clockwise (from the position in Figure 5 to the position in Figure 3) the eccentric wheel 30 forces the rod 22 and the slide seat 20 upwards counteracting the force of gravity on the slide seat thereby decreasing the force applied to the spring 70.

Clearly, the Lee reference does not disclose a cam assembly for applying a force to a tension spring. To the contrary, the eccentric wheel serves to decrease force applied to the spring 70.

To the examiner's comment in the Advisory Action of March 31, 2009, "Lee teaches the cam assembly that is coupled to the sliding tension bracket (e.g., 20) which includes a stop plate (e.g., 25) which is operationally coupled to the plunger (e.g., 40) which is operationally coupled to the tension spring (e.g., 70). The cam (e.g., 30) is pivoted with the plunger (e.g., 40) and the tension spring (e.g., 70) urges the underside of the plunger (e.g., 40)." The statement, "The cam (e.g., 30) is pivoted with the plunger (e.g., 40)" which can be seen in the Lee reference (col. 2, line 66), is somewhat misleading.

While the cam 30 and the seat block 40 do move in unison, the cam 30 does not apply the force to the seat block. The stop plate 25 is connected to the slide seat 20 (Lee at col. 2, line 26). When the wheel 30 rotates from the position in figure 3 to the position in figure 5, gravity acts on the mass of the slide seat 20 forcing the slide seat 20 and the stop plate 25 downward. That forces the elastic member 50 which forces the seat block 40 downwards. The seat block 40 in turn applies a force to the spring 70. As such, in the Lee reference, it is not the wheel (cam assembly) which applies a force to the tension spring.

In light of the foregoing, it is respectfully submitted that the Lee reference does not disclose, teach or suggest a cam assembly applying a force to a tension spring assembly, as recited in independent claims 1, 12 and 26. As such, the Lee reference can not anticipate these claims.


Applicants respectfully request that the examiner reconsider and withdraw the various rejections and allow all of the presently pending claims.

CONCLUSION

It is believed that a full and complete response has been made to the outstanding Office Action, thus, prompt and favorable consideration of this reply is respectfully requested. If the Examiner decides to maintain the current rejection, Applicants request a personal interview between the Examiner and the Applicants representative noted below. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (410) 716-3689.

Respectfully submitted,

Dated: 5/6/09

By: 
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